

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**YUE YU, RONALD OSCHER,
DONALD FAISTL, and STANLEY
ARROW,
on behalf of themselves and all
others similarly situated,**

No. 2:12-cv-2627-JLL-MAH

Plaintiffs,

-against-

**ENERGY PLUS HOLDINGS LLC,
and ENERGY PLUS NATURAL
GAS LP,**

Defendants.

**~~[PROPOSED]~~ ORDER APPROVING THE PARTIES'
AGREED-TO BRIEFING SCHEDULE AND RESCHEDULING
THE INITIAL SCHEDULING CONFERENCE**

WHEREAS, on September 14, 2012, the Court issued an order that, among other things, approved an agreement by the parties that adjourned the scheduling conferences, and provided that if the defendants filed a motion to dismiss, a single

scheduling conference would occur (on a date selected by the Magistrate Judge) after the return date of that motion (Docket Entry No. 18);

WHEREAS, on September 17, 2012, Magistrate Judge Hammer issued a text order setting an in-person initial scheduling conference for November 14, 2012 (Docket Entry No. 19);

WHEREAS, Plaintiffs then filed a Consolidated Amended Class Action Complaint on October 5, 2012 (Docket Entry No. 22);

WHEREAS, Defendants filed a motion to dismiss the Consolidated Amended Class Action Complaint on November 7, 2012 (Docket Entry No. 29);

WHEREAS, the parties previously proposed to extend the briefing schedule and postpone the Initial Conference, which this Court approved on November 13, 2012 (Docket Entry No. 31);

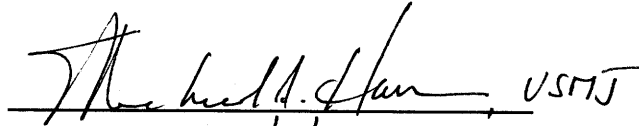
WHEREAS, the parties intend to further extend the briefing schedule as follows:

As agreed to by the parties, it is hereby **ORDERED** as follows:

1. Plaintiffs' memorandum in opposition to the defendants' motion to dismiss shall be due on or before January 18, 2013. This brief may be up to 40 pages long in a 12-point Times New Roman font;

2. Defendants' reply memorandum in further support of their motion to dismiss shall be due on or before February 12, 2013. This brief may be up to 15 pages long in a 12-point Times New Roman font;
3. The motion date shall be February 19, 2013;
4. The January 29, 2013 in-person initial scheduling conference ^{is hereby} ~~shall be~~ *rescheduled to MARCH 19, 2013 AT 11:30 A.M. THE JOINT DISCOVERY PLAN* ~~rescheduled for a date after February 19, 2013 that is convenient to the~~ *SHALL BE FILED ON OR BEFORE MARCH 15, 2013.*
Magistrate Judge.
5. There shall be NO FURTHER EXTENSIONS OF THE DEADLINES FOR FILING BRIEFS ON THE MOTION TO DISMISS.

IT IS SO ORDERED.


12/18/12

Dated: December 14, 2012

Agreed to by:

/s/ Joseph G. Sauder
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